

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Vie Luxe International, LLC and  
Marjorie Gubelmann Raein

SUMMONS IN A CIVIL ACTION

V.

Daniel Benedict, Daniel Benedict Design, Inc.,  
and Michele Brown

CASE NUMBER: 08 Civ. 5023 (L.A.P.)

TO: (Name and address of Defendant)

Daniel Benedict Design, Inc.  
3 East 78th Street  
New York, NY 10021

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Seward & Kissel LLP  
One Battery Park Plaza  
New York, NY 10004

Attention: Mark J. Hyland  
Anne C. Patin  
Julia C. Spivack

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**JUN 23 2008**

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date *Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

United States District Court  
Southern District of New York

Vie Luxe International, LLC and  
Marjorie Gubelmann Raein

-against-

**AFFIDAVIT OF SERVICE**

Case # 08 CV 5023

Daniel Benedict, Daniel Benedict Design,  
Inc., and Michele Brown,

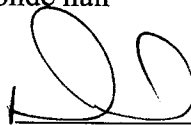
Defendants.

COUNTY OF ALBANY SS:  
STATE OF NEW YORK

Denise L. Dooley being duly sworn says: Deponent is over the age of eighteen years and is a resident of New York State, that: Deponent served the following specific papers in the above entitled action: Summons in a Civil Case, First Amended Complaint, Civil Cover Sheet, Rule 7.1 Statement, Individual Practices of Judge Loretta A. Preska and Electronic Case Filing Rules & Instructions, pursuant to Section 306 of the Business Corporation Law. The corporation which was served was: **DANIEL BENEDICT DESIGN INC.**

That on the 2nd day of July 2008 at approx. 11:30 a.m., at the office of Department of State of New York, in the City of Albany, two (2) copies of the aforesaid papers were served by personally delivering to and leaving with Donna Christie known to me to be in the Corporation Division of the Department of State and empowered to receive such service. That at the time of making such service, deponent paid to the Secretary of State the fee prescribed by Law in the amount of \$40.00.

Description of Donna Christie - Authorized Person  
White female, approx. 37 yrs., 5'3", 140 lbs., blonde hair



Denise L. Dooley

Sworn to before me  
this 2nd day of July 2008.



FRANK J. PANUCCI  
Notary Public, State of New York  
Qualified in Albany County  
No. 4721156  
Commission Expires July 31, 2010

State of New York - Department of State  
Receipt for Service

Receipt #: 200807020131

Date of Service: 07/02/2008

Service Company: 12 EMPIRE CORPORATE & INFORMATION SERVICES,

Cash #: 200807020093

Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: DANIEL BENEDICT DESIGN INC.

Plaintiff/Petitioner:

VIE LUXE INTERNATIONAL, LLC

Service of Process Address:  
DANIEL BENEDICT DESIGN INC.  
3 EAST 78TH STREET  
NEW YORK, NY 10075

Secretary of State  
By DONNA CHRISTIE